APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,188	02/15/2002	Laura A. Werner	BVOCP025	5418

7590 02/10/2005		EXAMINER
BEVOCAL		SERROU, ABDELALI

ART UNIT	PAPER NUMBER
2654	

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DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *15 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Specification

1.   The disclosure is objected to because of the following informalities: on pages 27 and 33,

it appears that both tables 7 and 10 are missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1 - 6 and 8 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Valco et al. (U.S 6, 826, 264, continuation of 09/558, 292, filed on April. 25, 2000) in view of Ito

et al. (09/839, 309, filed on April. 23, 2001).

4.   As per claims 1 and 15-17, Valco et al. teach a method, system, computer program, and

logic of a voice mail system that:

- Receives a script (command) utilizing a telecommunication network (Abstract)

- Executes the script tracking a plurality of states such as "MSG REVIEW", "SETTING

  AREA", "GREETING", "PASSWORD"(figure 2)

- Transits to a previous state (setting) of the script upon receiving the request (a previous

  settings feature is repeated when receiving repeat command from the subscriber, column 4,

  line 17,18).

Valco et al. do not specifically teach a voice browser to execute the received script

However, Ito et al. teach a voice browser apparatus (Abstract) to execute an input script.

Valco et al. and Ito et al. are analogous art because they are from the same field of speech recognition and application.

At the time of the invention it would have been obvious to a person of ordinary skill to have added the feature of using a voice command to Valco et al's. system, in order to support hands-free operations for the benefit of providing an easy and convenient system to access a network.

5-   As per claims 2-6, Valco et al. teach in figure 2 transitioning from a state to its previous (from "SETTING AREA" to "MSG REVIEW") and teach also transitioning from a state to the previous of its previous (from "GRETING" to "MSG REVIEW").

The system necessarily comprises some sort of program or code; otherwise the transitions between these different states could not take place.

6-   As per claim 8, Valco et al. teach "a SETTING AREA" accessed by a command (column 4, lines 30-35) identifying a specific instructions relating to the transitioning.

7-   As per claims 9 and 10, Valco et al. teach storing, within each state, information that identify a type of event ("the message review area", column 4, line 20, wherein the user can review messages and select which state will be next).

8-   As per claims 11-13, Valco et al. teach storing, within each state, information that identify a field item wherein the user can enter his/her request (the user can press a predetermined key …to enter a special area, column 3, lines 5,6), a form such as a "greeting" form (figure 2), and an application such as walking the user through steps to "select/create a greeting" (column4, line 66)

9-   As per claim 14, Valco et al. teach a method of navigating between the different states of

a script, therefore the system used, necessarily discloses a pointer, otherwise the user would not

be able to select his/her options.

10-   With respect to claim 18, it is obvious to one skilled in the art to note the use of stored

information is automatically covered by the use of stored code. Therefore, steps (a), (b), (c), and

(e) are already covered respectively by steps (a), (b), (c), and (d) of claim 1, and steps (d), (f),

and (g) are covered respectively by claims 9, 4, and 5.

As per step (h), Valco et al. teach transitioning automatically to the previous state of the script if

said code does not exist (When the settings command has still not been entered, the first and

second prompts are played again, column 4, lines 11, 12)

11-   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valco et al. in

view of Ito et al. as applied in claim 6, and further in view of Cohen et al. (09/557, 988, filed on

April. 25, 2000).

        Neither Valco et al. nor Ito et al. teach a system using JAVASCRIPT code.

        However, Cohen et al. use Java programming language (column 6, line 59) to enable

their voice browser (column 2, line 42).

        At the time of invention it would have been obvious to a person of ordinary skill in the

art, to have added the teaching of Cohen et al. by using Java coding with the system of Valco et

al. and Ito et al. for the benefit of having a developed, rapid, and reliable system.
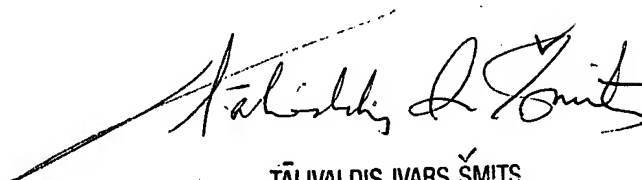
Conclusion

12-   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Lewis et al. (US 6,560,574) discloses a system for speech recognition to support users

who are non-readers and users without access to display devices.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Abdelali Serrou whose telephone number is 703-305-0513. The

examiner can normally be reached on 8:30-5:00

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou
01/27/2004

TALIVALDIS IVARS SMITS
PRIMARY EXAMINER